

In the Drawings

The Examiner has objected to the drawings under 37 CFR 1.83(a), specifically in regard to features of the invention specified in Claim 4 and 16.

Claim 4 and 16 are cancelled. Therefore, the objections regarding features of Claim 4 and 16 are moot.

REMARKS

Reconsideration and withdrawal of all grounds of rejection are respectfully requested in view of the above amendment and the following remarks. Claims 3, 4 and 16 have been canceled. Claims 19-37 have been withdrawn from consideration as non-elected method claims. Claims 1, 8, 9, 18 and 38 have been amended. Claims 1-2, 5-15, 17-18, and 38-39 are now pending.

1) Claims 4, 6, 8-9, and 16 under 35 U.S.C. §112, second paragraph.

Claim 4 was rejected for being vague and indefinite. Since Claim 4 has been cancelled, the rejection of Claim 4 is moot.

Claim 6 was rejected under §112, but without detail provided by the Examiner. The Applicant is not aware of the basis of the rejection. Claim 6 discloses the feature of a leaf, other than the last leaf, having an adhesive strength allowing the leaf to be adhered to and peelably removed from an adjacent leaf. The feature is disclosed in the application as filed on page 2, third paragraph. Therefore, it is respectfully submitted that dependent claim 6 is sufficiently definite.

The Examiner has rejected Claim 8 on the basis of the term “active agent.” Claim 8 has been amended to include language in the application as filed on page 3, second full paragraph. Therefore, it is respectfully submitted that this rejection of dependent claim 8 is overcome.

Claim 9 has been amended to clarify the “leaf adhesive protector” language per the Examiner’s suggestion. The term “protecting sheet” is disclosed on page 4, first paragraph of the application as filed. Therefore, it is respectfully submitted that this rejection of dependent

claim 9 is overcome.

Claim 16 was rejected for being vague and indefinite. Since Claim 16 has been cancelled, the rejection of Claim 16 is moot.

2) Claims 1-3, 6-12, 14 and 17 under 35 U.S.C. §102(b) as anticipated by '317 to Cleef.

Claim 1 is directed toward a surface covering comprising leaves arranged to form a stack of leaves having at least a first leaf and a last leaf, such that the first leaf forms an outer covering surface. Each of the leaves comprises a first surface adapted to serve as the covering surface and a second surface that opposes the first surface and comprises leaf adhesive covering the second surface. The leaf adhesive substantially covers the entire second surface, i.e., is applied in such a manner as to provide a solid or firm foundation for the first leaf to adhere to the second leaf. The first surface is without adhesive. The second surface adheres by the leaf adhesive to the first surface of an adjacent leaf whereby the first leaf may be removed from the adjacent leaf such that the adjacent leaf becomes the first leaf. The last leaf comprises a first surface adapted to serve as the covering surface and an opposing second surface. The leaf adhesive disposed on the second surface of the last leaf is adapted to mount the stack to a surface to be covered. The adhesive on the second surface of the last leaf is of sufficient strength to prevent the stack from lifting during removal of individual leaves.

U.S. Patent 2,248,317 to Cleef discloses a multiple layer sticker packet. The packet itself is not designed to adhere to a surface, but rather is "capable of ready handling" ('317 to Cleef, col. 3, lines 54-55). The '317 patent does not teach the mounting of the entire packet to a surface to be covered. Rather, the patent is directed to the individual and separate use of the stickers. The packet merely provides a convenient collection point until individual stickers are placed by the user on a surface elsewhere. The '317 patent does not disclose or suggest a last leaf with a second surface comprising adhesive of sufficient strength to prevent the stack from lifting during removal of individual leaves. In fact, the '317 patent discloses during use of individual stickers the "bottom or lower-most sticker of the packet is protected from adhering to other objects by way of a holland sheet" ('317 to Cleef, col. 2, lines 41-43). The Applicant does disclose the use of a protective sheet on the bottom of the stack, however, the sheet is removed prior to the stack being applied to a surface (Applicant's Specification, page 4, line 8). The stack of stickers disclosed in the '317 patent are not directed toward

application on a surface as a stack, only as individual stickers.

Claim 1 as amended discloses a leaf adhesive, disposed on the second surface of the last leaf of a stack, having sufficient strength to prevent lifting of the stack, from the surface to be covered, during removal of individual leaves. The '317 patent does not disclose this feature of claim 1. Therefore, it is respectfully submitted that independent claim 1 is allowable.

Claim 3 is cancelled. Claims 2, 6-12, 14 and 17 depend from claim 1. Based on their dependency from allowable claim 1, it is respectfully submitted that dependent claims 2, 6-12, 14 and 17 are allowable.

3) Claims 1-3, 6-7, 10, 12-13 and 17 under §102(b) as anticipated by '669 to Bowskill.

U.S. Patent 4,795,669 to Bowskill is directed to a disposable shield for a light handle. The light is used in dental or medical offices. The '669 patent teaches the use of a stack of shields, each shield having an underside with "a band of adhesive around the perimeter of the shield" ('669 to Bowskill, col. 4, lines 64-65). The '669 patent does not teach mounting the stack to the surface to be protected. Rather, the sheets are designed for individual use in protecting a light handle.

The '669 patent to Bowskill does not teach the feature of adhesive, disposed on the bottom surface of the last shield of the stack, having sufficient strength to prevent lifting of the stack during removal of individual shields. The '669 patent does not teach the application of the stack as a whole to the surface to be protected, or to any other surface. Individual sheets are applied one at a time to the lighting fixture.

Claim 1 as amended discloses a leaf adhesive, disposed on the second surface of the last leaf of a stack, having sufficient strength to prevent lifting of the stack during removal of individual leaves. The '669 patent does not disclose this feature of claim 1. Therefore, it is respectfully submitted that independent claim 1 is allowable.

Claim 3 is cancelled. Claims 2, 6-7, 10, 12-13 and 17 depend from claim 1. Based on their dependency from allowable claim 1, it is respectfully submitted that dependent claims 2, 6-7, 10, 12-13 and 17 are allowable.

4) Claims 1-2, 4, 6-12 and 17 under 35 U.S.C. §103(a) in view of '102 and '897 to Amos.

U.S. Patent 3,785,102 to Amos discloses a multiple layer floor pad for use outside an

entrance door to a “clean room” facility. U.S. Patent 3,717,897 to Amos discloses a single layer pad directed to the same application. The ‘102 and ‘897 patents to Amos are directed to the purpose of protecting a environment other than the underlying surface to which the pads are applied. The pads are a prophylactic measure to ensure the clean room environment is protected. They are not directed to protecting the underlying floor surface located outside the clean room. The inventions of the ‘102 and ‘897 patents to Amos are directed to high technology industrial application, such as “areas where microcircuitry and delicate space-age instruments are manufactured” (‘897 to Amos, col. 1, lines 15-16). The Applicant’s invention as defined by the pending claims is directed to decorative and protective applications, such as covering a shelf (Applicant’s Specification, page 4, line 3). The environment to be protected is the actual underlying surface to which the covering is applied.

As discussed, Applicant’s Claim 1 is directed toward a surface covering comprising leaves arranged to form a stack of leaves. Each of the leaves comprises a first surface adapted to serve as the covering surface and a second surface that opposes the first surface and comprises leaf adhesive covering substantially the entire second surface. The first surface is without adhesive. Although this feature was disclosed in the Applicant’s specification, “such an adhesive is not necessary to the present invention” (Applicant’s Specification page 2, last para.).

The combination of the ‘102 and ‘897 patents to Amos does not teach or suggest all the elements of Applicant’s claim 1. Essential to the ‘102 and ‘897 patents to Amos is adhesive of the top surface of each sheet. This adhesive is designed to collect dirt and contaminant from the shoes of personnel entering the clean room. The adhesive remains on the top surface after each layer is removed. Claim 1 has been amended to be combined with the feature of dependent claim 4. As amended, Applicant’s claim 1 has an adhesive-free top surface. Subsequent top surfaces remain essentially adhesive-free as leaves are removed. The combination of the ‘102 and ‘897 patents to Amos does not teach an adhesive-free top surface. Therefore, it is respectfully submitted that independent claim 1 is not rendered obvious by the combination of the ‘102 and ‘897 patents to Amos.

Claim 4 has been cancelled. Claims 2, 6-12 and 17 depend from claim 1. Based on their dependency from allowable claim 1, it is respectfully submitted that dependent claims 2, 6-12 and 17 are allowable.

5) *Claims 1-2, 4-10, 12-13, 15, 17-18, and 38-39 under §103(a) in view of '543 to Nappi and '897 to Amos.*

Claim 18 is directed to a multi-layer surface covering comprising a plurality of leaves arranged to form a stack of leaves having at least a first leaf and a last leaf, such that said first leaf forms an outer covering surface. Each of the leaves, excluding the last leaf, has a first surface adapted to serve as the covering surface, and a second surface that opposes the first surface comprising a leaf adhesive. The first surface is without adhesive. The second surface of each of the leaves adheres by the leaf adhesive to the first surface of an adjacent leaf whereby the first leaf may be removed from the adjacent leaf such that the adjacent leaf becomes the first leaf. The last leaf comprises a first surface adapted to serve as the covering surface and an opposing second surface. A mounting adhesive layer is disposed on the second surface of the last leaf and has a greater adhesive strength than the adhesive strength of the leaf adhesive.

Claim 38 is directed toward a surface covering comprising leaves arranged to form a stack of leaves having at least a first leaf and a last leaf, such that the first leaf forms an outer covering surface. Each of the leaves, excluding the last leaf, comprises a first surface adapted to serve as the covering surface, and a second surface that opposes the first surface and comprises leaf adhesive. The first surface is without adhesive. The second surface adheres by the leaf adhesive to the first surface of an adjacent leaf whereby the first leaf may be removed from the adjacent leaf such that the adjacent leaf becomes the first leaf. The last leaf comprises a first surface adapted to serve as the covering surface and an opposing second surface. The second surface of the last leaf comprises no leaf adhesive.

As discussed above, U.S. Patent 3,717,897 to Amos discloses a single layer floor pad for use outside an entrance way to a "clean room" facility. U.S. Patent 3,665,543 to Nappi discloses a tacky mat stack mounted within an appropriate frame member ('543 to Nappi, col. 2, lines 58-62). The '543 patent also teaches the use of a composite laminar structure, made of an adhesive barrier surface and a reinforcing fiborous web, to add strength to the mat. The '543 patent to Nappi discloses features not suitable for shelf liner or other similar residential or light commercial products. The frame member and reinforcing fibrous web would add additional bulk, thickness and expense to the product. These features are not advantageous in applications such as shelf liner. A product yielded from the combination of the two references

would not be suitable for a shelf liner application.

Applicant's Claim 1, 18 and 38 are directed toward a surface covering comprising leaves arranged to form a stack of leaves. Each of the leaves comprises a first surface adapted to serve as the covering surface and a second surface that opposes the first surface and comprises leaf adhesive covering substantially the entire second surface. The first surface is without adhesive. As discussed, although this feature was disclosed in the Applicant's specification, "such an adhesive is not necessary to the present invention" (Applicant's Specification page 2, last para.).

The combination of the '897 patents to Amos and '543 to Nappi does not teach or suggest all the elements of Applicant's claim 1. Essential to the '897 patents to Amos and '543 to Nappi is adhesive of the top surface of each sheet. This adhesive is designed to collect dirt and contaminant from the shoes of personnel walking over a mat. The adhesive remains on the top surface after each layer is removed. As amended, Applicant's claims 1, 18 and 38 have an adhesive-free top surface. Further, the subsequent top surface remains essentially adhesive-free as leaves are removed. The combination of the '897 patents to Amos and '543 to Nappi does not teach an adhesive-free top surface.

Therefore, it is respectfully submitted that independent claims 1, 18 and 38 are not rendered obvious by the combination of the '102 and '897 patents to Amos.

Claim 4 has been cancelled. Claims 2, 6-12 and 17 depend from claim 1. Claim 39 depends from claim 38. Based on their dependency from allowable claim 1 and 38, it is respectfully submitted that dependent claims 2, 5-10, 12-13, 15, 17 and 39 are allowable.

6) *Claim 16 under §103(a) in view of '102 and '897 to Amos, and '797 to Nappi.*

Since Claim 16 has been cancelled, the rejection of Claim 16 is moot.

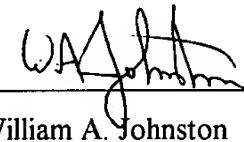
CONCLUSION

In view of the above, it is respectfully submitted that all pending claims are now in a condition for allowance. Accordingly, an early Notice of Allowance for all pending claims of this application is respectfully solicited.

Respectfully submitted,

Date: 1/30/01

Telephone: (216) 241-6700
Facsimile: (216) 241-8151



William A. Johnston
Reg. No. P-47,687

I hereby certify that this paper is being deposited with the U. S. Postal Service as 1st Class Mail addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513

On January 30, 2001
By Legislative Dm. Wilson